

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24548-2024
Date of decision:-22.07.2024

DINESH KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Aarti Sharma, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana .

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed reply by way of affidavit dated 19.07.2024 of Deputy Superintendent of Police, Shahabad, Kurukshetra the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
197	20.03.2024	181, 191, 192, 193, 200, 417, 420 IPC	Shahabad, District Kurukshetra, Haryana

3. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He submits that nothing is to be recovered from the petitioner and he is in custody since 23.03.2024, after completion of investigation, challan has been presented in Court for trial and disposal thereof, will take sufficient long time, as such he prays for grant of concession of regular bail to the petitioner.

4. Learned State counsel, on the other hand, has opposed the bail petition by arguing that the petitioner along with co-accused have committed crime with the Court and is habitual of furnishing of sureties. However he has admitted that no recovery has been effected from the petitioner and challan has already been presented in Court for trial.

5. After considering the submissions made by both the sides and perusing the record, it transpires that as per the case of the prosecution, the allegations qua the petitioner is that the present case was registered on the complaint moved by the complainant Ajesh Kumar, Reader of the court of Sub-Divisional Judicial Magistrate, Shahabad stating to that an application for acceptance of bail bonds was filed on behalf of accused Jashanpreet @ Jashan alongwith surety and affidavit given by the present petitioner wherein it was mentioned that he had not given any surety on any previous occasion. On asking as to how he knew the accused, the answer was not satisfactory, the Court rejected the surety furnished by the present petitioner and it was brought to the notice of the Court that the petitioner had also furnished surety bonds on behalf of one accused Gurjant Singh @ Janta a day prior before this Court. Papers were called and it was found that petitioner had furnished surety bonds on behalf of accused Gurjant Singh @ Janta in FIR No. 263 dated 26.04.2023, under Section 15, 18, 29 of NDPS Act and



this fact has been concealed by the petitioner while furnishing surety. Finding the petitioner is habitual of being surety and concealed the factum of giving surety on previous occasion, the present FIR was registered. The petitioner is in custody since 23.03.2024, after completion of investigation, challan has already been presented in Court for trial, therefore, it will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |